

REMARKS

The above amendments and the following remarks are fully and completely responsive to the Office Action dated January 26, 2004.

Claims 1-12 are pending. Claims 1-12 are rejected. Claims 1-12 are presented for reconsideration. No new matter is added. All claims are fully supported by the specification.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 4-5, 8-9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,501,510 to Moon in view of U.S. Patent No. 5,966,186 to Shigihara et al. ("Shigihara"). Claims 2, 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon in view of Shigihara and in further view of U.S. Patent No. 6,483,547 to Eyer ("Eyer"). Claims 3, 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moon in view of Shigihara and in further view of U.S. Patent No. 6,252,634 to Yuen et al. ("Yuen").

Applicant respectfully requests withdrawal and reconsideration of these rejections.

In making these rejections, the Office Action asserts that Moon teaches or suggests each of the elements of claim 1 except the limitation of "receiving the analog television broadcast signal when the digital television broadcast signal degrades such that an error rate corresponding to the digital television broadcasting exceeds a reference value (limitation c)." The Office Action relies

on Shigihara to disclose "a digital broadcast receiving device which determines/illustrates whether a received digital broadcast signal error rate exceeds a value where the normal error correction cannot perform thus providing an extremely deteriorated quality in video and audio." Thus, the Office Action assert that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moon with Shigihara to render obvious the present invention.

Moon discloses a digital/analog broadcast signal unit. Fig. 1 of Moon shows the digital/analog broadcast signal unit having an antenna 101, a tuner 102, a digital broadcast signal demodulator 103, a demultiplexer 104, an audio decoder 105, a video decoder 106, a format converter 107, an audio switching unit 108, an audio signal processor 109, an amplifier 110, a speaker 111, an analog broadcast signal demodulator 112, a video switching unit 113, a TTX processor 114 and a controller 120.

Shigihara discloses a digital broadcast receiving device that calculates an error rate of a received digital signal. Resulting data of Shigihara are outputted to an indicator, which indicates a digital signal quality. See column 9, lines 57-67.

Applicant submits that the obviousness rejections do not have merit. Accordingly, the applicant is of the opinion that the combination of Moon and Shigihara does not appear to render obvious the presently claimed invention. The applicant notes that Moon does not appear to teach or suggest at least the step of "receiving and outputting, in a case where the analog television broadcasting program having the same contents as those of the selected digital

television broadcasting program is being broadcast, the analog television broadcasting program having the same contents as those of the selected digital television broadcasting program when the digital television broadcasting degrades such that an error rate corresponding to the digital television broadcasting exceeds a reference value.” In contrast to the presently claimed invention, Moon merely shows that “when the digital broadcast signal is not detected, a switching control signal to automatically select the analog broadcast signals as the input to the second input ports of the audio and video switching units is [to] be generated.” See Moon, column 3, lines 62-65. However, the present invention uses an error rate to determine the outputting and receiving of the analog television broadcasting program.

Moreover, the applicant submits that Shigihara does not appear to make up for the deficiencies of Moon. Shigihara does not teach or suggest how to use the calculated error rate to determine when to receive and output an analog broadcast as a substitute for the digital television broadcasting having an error rate exceeding a reference value. The applicant notes that the Office Action citation to column 8, line 57 to column 9, line 3 and Fig. 4 of Shigihara does not teach or suggest this particular limitation.

Applicant also notes that the combination of references does not show the step of “receiving and outputting...when the digital television broadcasting degrades such that an error rate corresponding to the digital television broadcasting exceeds a reference value,” as recited, in part, in claim 1. As stated previously, Moon does not teach or suggest how to interpret and/or react

to error rate calculations. Rather, Moon merely teaches or suggests a scheme, wherein priority is given to digital signals over analog signals when both signals are "simultaneously received." See Moon, column 3, line 54-61. Moon only teaches or suggests inverting this priority by "manually selecting" the analog signal. There is no teaching or suggestion regarding an automatic selection of the analog signal based on error rates of the digital signal. Furthermore, Moon merely teaches or suggests "automatically" selecting analog broadcast signals when the "digital signal is not detected." See Moon, column 3, line 62-64. By indicating "not detected," Moon teaches or suggests that the analog signal is broadcast only when the digital signal is absent or the signals are simultaneously being received. In claim 1, the digital signal is detected and the signals are simultaneously being received. Claim 1 further recites that when both the digital and analog signals are present the analog signal is broadcast when the error rate reaches a predetermined threshold.

Additionally, Shigihara does not teach or suggest switching to an analog broadcast with the generation of a certain error rate. Thus, the combination of Moon and Shigihara does not appear to teach or suggest the presently claimed invention.

Applicants note that claims 2-4, 6-8, and 10-12 depend from claim 1. As claim 1, 5, and 9 appear to be distinguishable from the prior art, the dependent claims are distinguishable for at least this reason.

Accordingly, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of claims 1-12.

Conclusion

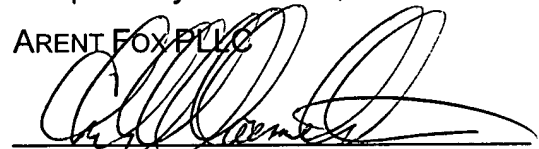
In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-12 and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107314-00013.**

Respectfully submitted,

ARENT FOX PLLC



Charles M. Marmelstein
Registration No.: 25,895

Customer No.: **004372**

1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Telephone No.: 202-857-6000
Facsimile No.: 202-638-4810

WC/SH/RN/ccd